



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/527,981

03/21/2005

Hisato Shima

265501US6PCT

4375

22850

7590

08/08/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PACHURA, REBECCA L

ART UNIT

PAPER NUMBER

2136

NOTIFICATION DATE

DELIVERY MODE

08/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

| | | | |
|------------------------------|---------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/527,981 | Applicant(s) SHIMA ET AL. | |
| | Examiner Rebecca L. Pachura | Art Unit 2136 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 03/21/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

2. The objection to the abstract is withdrawn due to the abstract submitted on 03/28/2008. The objection to the title is withdrawn due to the new title submitted on 03/28/2008. The objection to the disclosure is withdrawn due to the amendments submitted on 03/28/2008.

The disclosure is objected to because of the following informalities: For lack of support for claim terminology i.e. in claim 13 “*program instructions*” and “*processor*”. Appropriate correction is required.

Claim Objections

3. The objections to the claims are withdrawn due to the amendments submitted on 03/28/2008.

Status of Claims

4. **Claims 1-13 are pending in this Office Action.**

Claims 1-13 are amended.

Response to Amendment

5. **The 35 U.S.C. 101 rejection on claim 13 is withdrawn based on the applicant's amendments submitted on 03/28/2008.**

Response to Arguments

6. Applicant's arguments filed 03/28/2008 have been fully considered but they are not persuasive.

Applicant's Invention as claimed:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Secure Registration Protocol for Media Appliances in Wireless Home Networks” (Kumar) (Applicant’s IDS) in view of US 20040117650 (Karaoguz) and in view of US 5757924 (Friedman).**

As to claim 1, (Currently Amended) Kumar discloses a communication processing apparatus for executing a communication process via a network, characterized in that

Art Unit: 2136

comprising: a communication unit configured to implement a communication process related to an authentication process according to a predetermined authentication method, the communication process being [[is]] performed in order to acquire secret information permitted to be disclosed only to devices in a local network corresponding to said authentication method (Kumar page 110, column 2, lines 14-22). Kumar fails to teach unique identification information of a communication destination device in said communication process is acquired by data processing at a network layer or lower of an OSI reference model; unique identification information of an authentication partner device is acquired in an authentication sequence of said authentication method as data processing at an application layer of the OSI reference model.

However, Karaoguz discloses unique identification information of a communication destination device in said communication process is acquired by data processing at a network layer or lower of an OSI reference model; unique identification information of an authentication partner device is acquired in an authentication sequence of said authentication method as data processing at an application layer of the OSI reference model (Karaoguz paragraph 0039, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that both the authentication partner device and the communication destination device could be either a MAC address or an IP address (Karaoguz paragraph 0039, lines 5-8).

The modified Kumar discloses said acquired unique identification information of said communication destination device is ~~matched~~ compared with said acquired unique identification information of said authentication partner device; and ~~in accordance with a passed or failed state of the matching~~ based upon a successful match resulting from the compared data, a process is

Art Unit: 2136

executed to judge whether said authentication partner device is a device connected to a same local network as a local network to which a local device being a communication source device is connected (Kumar page 111, column 2, lines 11-26).

As to claim 2, (Currently Amended) the modified Kumar discloses the communication processing apparatus as claimed in claim 1, ~~characterized that~~ wherein at least one of said unique identification information received from said authentication partner device is received as processed data generated by an encryption process or a hash value generation process based on secret information shared with said communication source device (Kumar page 110, column 2, lines 35-38 and page 111, column 1, lines 1-5).

As to claim 3, (Currently Amended) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach ~~characterized in that~~ wherein identification information received from said communication destination device is a node unique ID defined in IEEE 1394 standards.

However, Karaoguz discloses ~~characterized in that~~ wherein identification information received from said communication destination device is a node unique ID defined in IEEE 1394 standards (Karaoguz paragraph 0039, lines 12-15).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that the MP interface is a destination device with a Firewire ID (Karaoguz paragraph 0039, lines 12-15).

As to claim 4, (Currently Amended) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach ~~characterized in that~~ wherein said communication processing apparatus is configured to receive, as identification

Art Unit: 2136

information received from said communication destination device, identification information acquired from a PHY communication unit of said communication destination device and identification information acquired by a network communication unit of said communication destination device, and ~~match~~ compare a plurality of these identification information.

However, Karaoguz discloses ~~characterized in that~~ wherein said communication processing apparatus is configured to receive, as identification information received from said communication destination device, identification information acquired from a PHY communication unit of said communication destination device and identification information acquired by a network communication unit of said communication destination device, and ~~match~~ compare a plurality of these identification information (Karaoguz paragraph 0043, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that the electronic serial number is acquired from a media peripheral and is unique identification information from the physical layer (Karaoguz paragraph 0043, lines 5-8).

As to claim 5, (Currently Amended) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach ~~characterized in that~~ wherein identification information received from said communication destination device is a device address defined in communication standards.

However, Karaoguz discloses ~~characterized in that~~ wherein identification information received from said communication destination device is a device address defined in communication standards (Karaoguz paragraph 0043, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that an IP address is a device address from a media peripheral (communication

Art Unit: 2136

destination device) that is defined in a communication standard i.e. Internet Protocol address (Karaoguz paragraph 0043, lines 5-8).

As to claim 6, (Currently Amended) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach ~~characterized that~~ wherein said communication processing apparatus is configured to receive, as identification information received from said communication destination device, a device address as a source address of a packet transmitted from said communication destination device, and a device address stored in a packet by data processing at an application ~~[[level]]~~ layer or data based on the device address at the application ~~[[level]]~~ layer, and ~~[[match]]~~ compare a plurality of these device addresses.

However, Friedman discloses ~~characterized that~~ wherein said communication processing apparatus is configured to receive, as identification information received from said communication destination device, a device address as a source address of a packet transmitted from said communication destination device, and a device address stored in a packet by data processing at an application ~~[[level]]~~ layer or data based on the device address at the application ~~[[level]]~~ layer, and ~~[[match]]~~ compare a plurality of these device addresses (Friedman column 1, lines 51-62, column 2, lines 4-8 and 31-35).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that packets could contain source addresses and that checksums can match the device addresses (Friedman column 1, lines 51-62, column 2, lines 4-8 and 31-35).

As to claim 7, (Currently Amended) Kumar discloses a communication controlling method for executing a communication process via a network (Kumar page 110, column 2, lines

Art Unit: 2136

14-22). Kumar fails to teach said method ~~characterized by comprising: an identification information-acquiring step of~~ acquiring unique identification information of a communication destination device in a communication process by data processing at a network layer or lower of an OSI reference model, and acquiring unique identification information of an authentication partner device in an authentication sequence of a predetermined authentication method as data processing at an application layer of the OSI reference model.

However, Karaoguz discloses said method ~~characterized by comprising: an identification information-acquiring step of~~ acquiring unique identification information of a communication destination device in a communication process by data processing at a network layer or lower of an OSI reference model, and acquiring unique identification information of an authentication partner device in an authentication sequence of a predetermined authentication method as data processing at an application layer of the OSI reference model (Karaoguz paragraph 0039, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that both the authentication partner device and the communication destination device could be either a MAC address or an IP address (Karaoguz paragraph 0039, lines 5-8).

The modified Kumar discloses ~~a matching processing step of performing a matching of~~ said acquired unique identification information of said communication destination device with said acquired unique identification information of said authentication partner device; and ~~a judging step of judging, in accordance with a passed or failed state of the matching~~ based upon a successful match resulting from the compared data identifying, whether said authentication partner device is a device connected to a same local network as a local network to which a local

Art Unit: 2136

device being a communication source device is connected (Kumar page 111, column 2, lines 11-26).

As to claim 8, (Currently Amended) the modified Kumar discloses the communication controlling method as claimed in claim 7, ~~characterized in that~~ wherein in said identification information acquiring ~~step~~, at least one of said unique identification information received from said authentication partner device is received as processed data generated by an encryption process or a hash value generation process based on secret information shared with said communication source device (Kumar page 110, column 2, lines 35-38 and page 111, column 1, lines 1-5).

As to claim 9, (Currently Amended) the modified Kumar discloses the communication controlling method as claimed in claim 7. The modified Kumar fails to teach ~~characterized in that~~ wherein identification information received from said communication destination device is a node unique ID defined in IEEE 1394 standards.

However, Karaoguz discloses ~~characterized in that~~ wherein identification information received from said communication destination device is a node unique ID defined in IEEE 1394 standards (Karaoguz paragraph 0039, lines 12-15).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that the MP interface is a destination device with a Firewire ID (Karaoguz paragraph 0039, lines 12-15).

As to claim 10, (Currently Amended) the modified Kumar discloses the communication controlling method as claimed in claim 7. The modified Kumar fails to teach ~~characterized in that~~ wherein in said ~~identification information~~ acquiring ~~step is a step of receiving~~ receives, as

Art Unit: 2136

identification information received from said communication destination device, identification information acquired from a PHY communication unit of said communication destination device and identification information acquired by a network communication unit of said communication destination device, and said ~~matching~~ comparing processing [[step]] matches a plurality of these identification information.

However, Karaoguz discloses ~~characterized in that~~ wherein in said identification information acquiring step is a step of receiving receives, as identification information received from said communication destination device, identification information acquired from a PHY communication unit of said communication destination device and identification information acquired by a network communication unit of said communication destination device, and said ~~matching~~ comparing processing [[step]] matches a plurality of these identification information (Karaoguz paragraph 0043, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that the electronic serial number is acquired from a media peripheral and is unique identification information from the physical layer (Karaoguz paragraph 0043, lines 5-8).

As to claim 11, (Currently Amended) the modified Kumar discloses the communication controlling method as claimed in claim 7. The modified Kumar fails to teach ~~characterized in that~~ wherein identification information received from said communication destination device is a device address defined in communication standards.

However, Karaoguz discloses ~~characterized in that~~ wherein identification information received from said communication destination device is a device address defined in communication standards (Karaoguz paragraph 0043, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that an IP address is a device address from a media peripheral (communication destination device) that is defined in a communication standard i.e. Internet Protocol address (Karaoguz paragraph 0043, lines 5-8).

As to claim 12, (Currently Amended) the modified Kumar discloses the communication controlling method as claimed in claim 7. The modified Kumar fails to teach ~~characterized in that: wherein~~ said ~~identification information~~ acquiring ~~[[step]]~~ receives, as identification information received from said communication destination device, a device address as a source address of a packet transmitted from the communication destination device, and a device address stored in a packet by data processing at the application ~~[[level]]~~ layer or data based on the device address at the application ~~[[level]]~~ layer, and said matching ~~processing step~~ matches a plurality of these device addresses.

However, Friedman discloses ~~characterized in that: wherein~~ said ~~identification information~~ acquiring ~~[[step]]~~ receives, as identification information received from said communication destination device, a device address as a source address of a packet transmitted from the communication destination device, and a device address stored in a packet by data processing at the application ~~[[level]]~~ layer or data based on the device address at the application ~~[[level]]~~ layer, and said matching ~~processing step~~ matches a plurality of these device addresses (Friedman column 1, lines 51-62, column 2, lines 4-8 and 31-35).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that packets could contain source addresses and that checksums can match the device addresses (Friedman column 1, lines 51-62, column 2, lines 4-8 and 31-35).

As to claim 13, (Currently Amended) Kumar discloses a computer ~~program for executing~~ a readable storage medium encoded with computer program instructions which, when executed, cause a processor to execute a method of communication ~~process~~ via a network, said ~~program~~ characterized by method comprising (Kumar page 110, column 2, lines 14-22). Kumar fails to teach ~~an identification information acquiring step of~~ acquiring unique identification information of a communication destination device in a communication process by data processing at a network layer or lower of an OSI reference model, and acquiring unique identification information of an authentication partner device in an authentication sequence of a predetermined authentication method as data processing at an application layer of the OSI reference model.

However, Karaoguz discloses ~~an identification information acquiring step of~~ acquiring unique identification information of a communication destination device in a communication process by data processing at a network layer or lower of an OSI reference model, and acquiring unique identification information of an authentication partner device in an authentication sequence of a predetermined authentication method as data processing at an application layer of the OSI reference model (Karaoguz paragraph 0039, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that both the authentication partner device and the communication destination device could be either a MAC address or an IP address (Karaoguz paragraph 0039, lines 5-8).

The modified Kumar discloses ~~a matching processing step of~~ performing a matching of said acquired unique identification information ~~identification information~~ of said communication destination device with said acquired unique identification information of said authentication partner device; and ~~a judging step of~~ judging based upon a successful match resulting from the

Art Unit: 2136

compared data identifying, in accordance with a passed or failed state of the matching, whether said authentication partner device is a device connected to a same local network as a local network to which a local device being a communication source device is connected (Kumar page 111, column 2, lines 11-26).

Remarks

8. Applicant has presented amendments for the 35 U.S.C.101 rejection and has made some amendments for clarification. Applicant has made arguments for the rest of the response, see below.

The Applicant Argues:

Karagouz describes a media exchange network (100) which includes a plurality of devices which communicate in accordance with a secure media peripheral association and authentication procedure. As outlined at paragraph [0043] of Karagouz devices may be identified by an IP address, a capital MAC address, or the like. While the Official Action states that paragraph [0039], lines 5-8 of Karagouz describes application layer processing, there is no application layer processing described. Moreover, Applicants note that the claims require that unique identification information is acquired in an authentication sequence as data processed at an application layer. Neither Kumar nor Karagouz describes this more detailed aspect of the Applicants' claimed advancements.³ Accordingly, Applicants respectfully request that the rejection of Claims 1-13 under 35 U.S.C. § 103 be withdrawn.

In response, the examiner respectfully submits:

That Karaoguz does describe application layer processing and the requirement that unique identification information is acquired in an authentication sequence as data processed at an application layer (Karaoguz page 2, paragraphs 0019-0021 and page 3, paragraph 0043). Furthermore, physical layer and above identifiers are subsets of the application layer identifiers and in fact an IP address can be used as an application layer identifier for example <http://10.10.10.1> .

Based on the examiner's arguments claims 1-13 are rejected under 35 U.S.C. 103(a).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca L. Pachura whose telephone number is (571) 270-3402. The examiner can normally be reached on Monday-Thursday 10:00 am-8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rebecca L Pachura/
Examiner, Art Unit 2136

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2136